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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,883	05/11/2001	Steven J. Vornsand	7187	5408

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Zenith Electronics Corporation
2000 Millbrook Drive
Lincolnshire, IL 60069

EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,883

Applicant(s)

VORNSAND, STEVEN J.

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE/Amendment (22 Nov 04).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 31-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 November 2004 has been entered.
2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3a. Claims 31-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, US 6,753,790 in view of Ben-Ze'ev, US 6,791,467.

In considering claims 31, 41-42 and 46,

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a) the claimed a host device having a host processor... is met by remote controller (300) which processes received signals, where the system can toggle between reception/transmission (receiver/transmitter) via IR/RF (via toggling 360), utilizing user control input 310/user interface 330, where detector 320 detects whether the remote controller is within a feedback range of a target device.

b) the claimed a television processor... is met by a target device which may be a television set (col 3, line 6-22) where the television set receives/processes the request from the user via the remote controller (300) and when the user is in a location where the confirmation via a "line-of sight" is not possible, the TV sends a signal back confirming that the control signal was successfully sent to and executed by the target device (col 1, line 53-62).

However, Davies does not explicitly recite a "plurality of dispersed televisions" (limitation b), nor determining which televisions (plural) do not transmit the confirmation signals. Davies discloses a system where the user may activate target devices (i.e. audio, video and television devices) where the user can activate and receive confirmation on the remote (via the target device) by being in a different room than the target device.

Although, the use of more than one television is notoriously well known in the art, as also stated by applicant (background pages 1-2), the examiner incorporates Ben-Ze'ev which discloses a single master adaptive remote controller which is able to control the appliances in a household including multiple TV's (Fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies which discloses a system which allows the user to control and receive confirmation from target devices, by being in a different room than the device, where Davies discloses a separate room may includes a television, with Ze-ev by allowing the user to interact with all the televisions/target devices in a dwelling (multiple rooms, house), thereby providing the user(s) the ability to control all the televisions/target devices the user(s) has/have access to with a single remote control.

Pertaining to the limitation of which television does not transmit the confirmation signals. As stated above, Davies already discloses the control of a single TV and the confirmation on whether the TV performs the commanded function. Thus the obviousness question is would it have been obvious to modify Davies by controlling more than TV to notify the user which one of the plurality of TV's received/executed the command function. The examiner's position it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to modify Davies which discloses the confirmation receipt via a single device (TV) with Ben Ze'ev by being able to control all the devices in a household including more than one television with a single remote control and ascertaining from the device which appliances have executed or not the user initiated command function.

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In considering claim 32 and 43,

Davies discloses that the command and confirmation signals may be IR or RF (Fig 3), based upon the feedback range where the feedback range, may be an audible hearing distance or a definitive distance (i.e. ten meters) (col 3, line 31-37).

In considering claims 33 and 37,

Davies discloses a remote controller, which operates as the host and peripheral device, where the remote is responsive to a user input to generate a control signal.

In considering claims 34,

Davies does not explicitly disclose the target devices including peripheral devices such VCR and DVD player, and a host device such as a PC. Davies does disclose that target devices such as electronic equipment such as audio and video devices, including televisions, including a remote which may be formed via a PDA (personal digital assistant).

However, Ben-Ze'ev discloses the use of a VCR (Fig 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies which discloses the control of target devices within/outside of a room, with Ben-Ze'ev by controlling all the devices that are included in the household (i.e. VCR), thereby giving the user complete control over the target devices he/she has access to in their dwelling.

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In considering claims 35,

Neither Davies nor Ben-Ze'ev disclose the peripheral device comprising a digital video disc player.

However, a digital video disc player is a notoriously well known appliance which is used in conjunction with a TV, thus the examiner takes "OFFICIAL NOTICE" regarding such a peripheral device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies and Ben-Ze'ev which disclose a system which is able to command/control all the appliances in a household and ascertain the execution of a command/control function, by controlling all appliances including a digital video disc player if available, in order to provide the user control over all available appliances.

In considering claim 36,

Ben-Ze'ev discloses that the remote controller may be part of a PDA (personal digital assistance) device (i.e. personal computer).

In considering claims 38 and 47,

The claimed processor is met by the television, which receives, transmits and processes the signals between the target devices and the remote.

Although, Davies/Ben-Ze'ev do not explicitly disclose a timer, Davies/Humpleman disclose the control via transmission/reception of peripheral

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devices, which are integrated into the entertainment system, thereby being able to control multiple devices in a logical/desired sequence.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies/Ben-Ze'ev which discloses the confirmation of an executed operation, by confirming to the user in a desired time period (i.e. using a timer) where conformation maybe within a reasonable time (i.e. meeting the claimed .1 or .5 seconds) to inform the user that the command executed has been performed.

In considering claims 39-40, 42 and 45,

The combination of Davies/Ben-Ze'ev do not explicitly recite the confirmation signals comprising a 1200 baud, 8 bits byte, 1 start bit, 1 stop bit, no parity format packet modulated onto a 40 KHz carrier wave, including a command identifier byte, data value byte and check sum byte.

There are multitude of interface available to the user/designer, i.e. RS-232, RS-422, RS-423 and RS-485, of course based upon the needs of the user and equipment/peripheral devices being used.

Thus the examiner takes "OFFICIAL NOTICE" regarding the use of a signal, which may include the parameters as claimed, since there are a multitude of conventional transmission/reception schemes available to a designer/user. The examiner also requests the applicant to provide the inventive steps regarding the claimed subject (i.e. is the applicant claiming this is a novel transmission/reception scheme, which was never used/known by others before the applicant discovered it?). The examiner's position is based upon conventional software/hardware which is

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purchased off the shelf can perform the reception/transmission scheme including that which is claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies/Ben-Ze'ev which discloses the control of target devices of an entertainment system which may be located in or outside the room of the user, by transmitting/receiving the control/confirmation signals by a conventional/off the shelf protocol scheme.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—please see newly cited references on attached form PTO-892.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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(FAX) 703-305-7786

(TDD) 703-305-7785

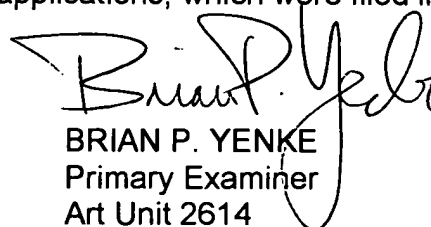
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General information brochures can also be obtained in person from the Patent Search Room located in Crystal Plaza 3, Room 1A03, 2021 South Clark Place, Arlington, VA 22202.

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BRIAN P. YENKE
Primary Examiner
Art Unit 2614


B.P.Y.

25 February 2005